

REMARKS

In response to the Official Action mailed April 7, 2005, Applicant submits the following amendments and remarks.

A petition for a three-month extension of the shortened statutory time period for response to said Official Action up to and including October 7, 2005, is transmitted herewith.

In the Official Action, the drawings were rejected to under 37 CFR § 1.83(a) for failing to show every feature of the invention set forth in the claims. In response to this, Applicant has cancelled any claim that included the recitation not illustrated in the figures, specifically claims 14 and 16.

In the Official Action, the Examiner has rejected claims 1-5, 11, 17 and 18 as being anticipated by U.S. Patent No. 2,024,847 to *Chambers*. Applicant respectfully traverses the Examiner's rejection and argues that all of the claims of the present application are patentably distinct over the art cited therein.

Claim 1 of the present application includes a recitation directed towards a positioning arrangement for positioning the brake shoe within the rotatable drum. The positioning arrangement includes an engagement member and an abutment arrangement, for example, the projection 131 and opening 130. The claim also includes a recitation wherein the engagement member and the abutment arrangement are formed as a displaceable member that is displaceable radially relative to the brake shoe flange or to the backing plate with which it is associated for the purpose of maintaining a set running clearance between the friction lining and the drum brake surface upon lining wear. Support for this recitation can be found at paragraph [0030] of the present application. By enabling the engagement member or the abutment arrangement to be displaceable

relative to the brake shoe flange or backing plate, the friction lining is able to apply a consistent force against the drum braking surface 124 even after the friction lining has been worn down.

This is in contrast to *Chambers*, which discloses members 38 and 39 fixedly attached to a brake band 27 (page 2, column 1, lines 33-34). Members 38 and 39 are not capable of adjusting relative to the brake band, i.e., displaceable, so as to compensate for wear of the friction lining. The only method of compensating for wear of the friction lining disclosed in *Chambers* is by adjusting pins 35 so that the brake band may be adjusted relative to the flange 21 of the brake drum. But when adjusting the pins 35, the members 38 and 39 are still maintained fixedly attached to the brake shoe 102, i.e., not displaceable.

The main reason for the difference in the construction is that in *Chambers* the members 38 and 39 and the slot 40 anchor the brake band 27 "to obtain the braking action, which is best suited to the particular vehicle whether the drum be turning forwardly or in reverse." (See pg. 2, col. 1, lns. 24-27.) Thus, the anchoring ring of *Chambers* is designed to limit the "wrap" of the brake band 27 when it is applied to the drum braking surface. (See pg. 2, col. 1, lns. 48-51, lns. 60-62, lns. 67-68, and col. 2, lns. 5-9.) By definition, by being anchored to the brake shoe, the members 38 and 39 are not displaceable from it.

This is further highlighted by the movement of the projection 131 within opening 130 of the present invention compared to the movement of members 38 and 39 within slot 40 of *Chambers*.

As shown in FIG. 3A of the present application, projection 131 is radially displaced within opening 130 between a radial inner abutment 134 and a radial outer abutment 135.

The recitation is included within claim 1 of the present application. In contrast, *Chambers* discloses that members 38 and 39 translate along a single radial abutment between generally perpendicular surfaces of slot 40. Thus, the engagement members 38 and 39 of *Chambers* are not arranged for engagement with the radial inner abutment in the inoperative condition of the brake assembly to a position where the engagement member is arranged for engagement with the radial outer abutment when the brake shoe is radially expanded from the inoperative condition to the operative condition as included within claim 1 of the present application. Therefore, Applicant asserts that claim 1 of the present application is in condition for allowance and should be deemed patentable over the art cited in the Official Action. In addition, claims 2-5, 11, 17 and 18, which all depend from claim 1, should also be deemed to be in condition for allowance based on their dependency of claim 1. And claims 6 and 19-20, which are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chambers*, should also be deemed to be patentable based on their dependency on claim 1.

Claims 18 and 19 are herein amended to delete the reference to newly-cancelled claim 16.

In the Official Action, claims 7-10 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chambers* in view of U.S. Patent No. 3,869,026 to *Williams*. *Williams* is cited for illustrating a spring-clip type engagement member 10 for use in adjusting and controlling clearance for brakes. *Williams* does not disclose a positioning arrangement for positioning a brake shoe within a drum that is displaceable. Therefore, based on their dependency, claim 7-10 and 12-15 should also be deemed to contain patentable subject matter and allowed.

Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chambers* in view of U.S. Patent No. 5,246,093

to Wang. Wang is cited for disclosing a brake web with two flanges. Although Wang does show a brake web with two flanges, Wang does not illustrate a positioning arrangement displaceable relative to the brake shoe flange. Specifically, the spring 45 of Wang simply holds the brake shoe flange against the backing plate 11. Therefore, Applicant asserts that claim 21 should also be deemed to contain patentable subject matter and allowed.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 7, 2005

Respectfully submitted,

By


Raymond Garguilo, Jr.

Registration No.: 50,930
LERNER, DAVID, LITTBENBERG,
KRMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

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